

OFFICE OF THE DIRECTOR

DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend section 20.04 and adopt section 20.05 in Chapter 1, Division 1, Article 2 of Title 13, California Code of Regulations relating to driver licenses and identification cards.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., June 2, 2008, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret or make specific Sections 12800, 12800.7, 12809, 12811, 13000, and 13005 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (department) proposes to amend section 20.04 and adopt section 20.05, Title 13 of the California Code of Regulations, relating to Driver Licenses and Identification Cards. Vehicle Code section 12800 requires every driver license application to contain the applicant's true full name. Vehicle Code section 12800.7 authorizes the department to require a person applying for a driver license to produce identification to ensure the name on the application is the applicant's true full name. Vehicle Code section 12809 allows the department to refuse issuance of a driver license under specified circumstances. Vehicle Code section 12811 sets standards for issuance and contents of a driver license card and Vehicle Code sections 13000 and 13005 authorize the issuance and content of identification cards.

Because government agencies, as well as commercial entities, rely on department issued driver licenses and identification cards as evidence of a person's identity, the department is responsible for ensuring that information collected from a card applicant is accurate. This information includes true full name, birthdate, gender, social security number and address information.

The department is proposing to amend current regulation relating to the process by which an applicant may change the name on his or her driver license or identification card, and adopt new

regulation relating to the process by which an applicant may change the gender identified on his or her driver license or identification card due to a transitional or completed gender change.

These regulatory changes will enhance the integrity and authenticity of information contained on department issued driver licenses and identification cards. The accuracy of information reported to the department must be consistent with identity information provided to other government agencies to avoid multiple, legally recognized identities.

The department will no longer accept a Medical Information Authorization (Gender Change), form DL 328 (Rev. 11/07) to execute a name change. Individuals wishing to change both their name and gender will be required to comply with the procedures set forth in sections 20.04 and 20.05 of this article.

DOCUMENTS INCORPORATED BY REFERENCE

The following form is incorporated by reference in section 20.05. This form is not published in the California Code of Regulations because it would be impractical and cumbersome to publish this document in the California Code of Regulations.

- Medical Information Authorization (Gender Change), form DL 328 (Rev. 11/07)

This form was made available during the public comment period and is on the department's internet website, in any field office, or by calling the department's toll free telephone number at (800) 777-0133. This document was made available upon request directly from the department and is reasonably available to the affected public from a commonly known or specified source.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: A representative individual could be required to pay up to four hundred dollars (\$400) in costs for a court-approved name change.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This is a voluntary process individuals may utilize to change the gender identified on the driver license or identification card.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.

- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This is a voluntary process individuals may utilize to change the gender identified on their driver license or identification card.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California, 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to Erik Meyer at (916) 657-8954 or emeyer@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at the Regulatory Actions webpage at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes

clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.